

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,

Plaintiff,

No. C 10-03561 WHA

v.

GOOGLE INC.,

Defendant.

**ORDER RE ORACLE'S STATEMENT
REGARDING RULE 706 EXPERT**

Oracle filed a statement complaining that Dr. Kearl has not produced the reports or his testimony from the *Apple v. Samsung* case for evaluation (Dkt. No. 1311). Counsel for Samsung produced redacted versions of the reports and testimony, but Oracle claims it was difficult to understand the nature of Dr. Kearl's analysis due to the redactions. Dr. Kearl has filed a response explaining that the redactions were required by the protective order in *Apple v. Samsung* and that Oracle failed to make an effort to acquire unredacted versions of the documents from Samsung in compliance with that protective order (Dkt. No. 1313).


By **SEPTEMBER 24 AT NOON**, Oracle shall file a letter brief **NOT TO EXCEED FIVE PAGES** responding to Dr. Kearl's statement and detailing what relief, if any, this Court can order to facilitate the production of the unredacted documents in compliance with the protective order in *Apple v. Samsung*. Oracle should also explain why they have not sought relief from Judge Koh and the *Apple v. Samsung* protective order. Dr. Kearl shall also file a letter brief addressing the last issue. Oracle and Dr. Kearl shall also advise the Court of the expected timeline for

1 completing production of these documents and, if necessary, for Oracle to prepare any motions
2 to disqualify Dr. Kearl.

3 Oracle has moved to file portions of its letter and attachments thereto under seal, which
4 were designated "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL — ATTORNEY'S EYES
5 ONLY" by counsel for Samsung. Because Samsung has not appeared in this matter, Oracle
6 has not served it with the sealing motion herein, although it has served Dr. Kearl "with the
7 expectation that he will disseminate them to anyone who claims an interest" in the information.
8 Dr. Kearl is hereby **ORDERED** to disseminate the contents of Oracle's sealing motion to
9 counsel for Samsung, along with a copy of this order and the Order Approving Stipulated
10 Protective Order Subject to Stated Conditions herein (Dkt. No. 68). Samsung shall have until
11 **SEPTEMBER 24** to submit a supporting declaration. Oracle's sealing motion will be held in
12 abeyance until then.

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14 **IT IS SO ORDERED.**

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16 Dated: September 16, 2015.

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19 WILLIAM ALSUP
20 UNITED STATES DISTRICT JUDGE
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